

REMARKS

A. Introduction

Claims 27, 28, 30, 32, 33, 37, 44–56, 63–73, 77–82, 85, and 86 were pending and under consideration in the application. Claims 1-26, 29, 31, 34–36, 38–43, 57–62, 74–76, 83, and 84 having been previously canceled.

In the Final Office Action mailed December 21, 2010, the information disclosure statement filed July 20, 2010 was objected to as allegedly failing to comply with 37 C.F.R. 1.97, 1.98, and MPEP §609.

Claims 27, 28, 30, 32, 33, 37, 44–56, 63–73, 77–82, 85, and 86 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement and allegedly failing to comply with the enablement requirement.

Claims 27, 28, 30, 32, 33, 37, 44–56, 63–73, 77–82, 85, and 86 were rejected under 35 U.S.C. §103(a) as allegedly being patentable over U.S. Patent No. 6,027,115, issued to Griswold (hereinafter, “Griswold”) in view of “The Tube” Businessweek Online: http://www.businessweek.com/2000/00_00/design3.htm?scriptFramed, pp.1-2, dated March 6, 2001, printed December 20, 2001, (hereinafter, “The Tube”) and in view of “Foled Flexible Organic Light Emitting Device,” Universal Display Corporation Online: <http://www.universaldisplay.com/foled.php>, pp. 1-2, printed April 26, 2001 (hereinafter “FOLED”).

In response, Applicants are hereby submitting a supplemental information disclosure, amending the claims for clarity and to obviate the grounds for the 35 U.S.C. §112 rejections, and canceling claims 47, 49, and 79. Support for the amendment may be found, at least, in paragraphs 0026 and 0027 of the application as published as U.S. Pat. Pub. No. 2003/0060269. No new matter is being added.

B. Rejections under 35 U.S.C. §112

Claims 27, 28, 30, 32, 33, 37, 44–56, 63–73, 77–82, 85, and 86 were rejected as allegedly failing to comply with the written description requirement and allegedly failing to comply with the enablement requirement.

Whether or not the rejections have merit, in order to advance prosecution of the case, the independent claims, claims 27, 33, 37, and 72 are hereby being amended to more closely conform the claim language with the disclosure of the specification at, for example, paragraph 0026 and 0027.

In light of the instant amendment, and the foregoing remarks, withdrawal of the 35 U.S.C. §112 rejections is respectfully requested.

B. Rejections under 35 U.S.C. §103(a)

Claims 27, 28, 30, 32, 33, 37, 44–56, 63–73, 77–82, 85, and 86 were rejected as allegedly being unpatentable over Griswold in view of The Tube and in view of FOLED.

The rejection is respectfully traversed, because the combination of Griswold with FOLED and/or The Tube is improper, and, in any case, would fail to yield the invention as recited in the independent claims, claims 27, 33, 37, and 72.

The Office Action acknowledged (page 9) that “Griswold lacks the type of display being a flexible LED display or flexible LCD.” While the acknowledgement is appreciated, it would be more accurate to say that Griswold expressly provides for a type of electroluminescent display that is *incompatible* with the flexible LCD or LED displays foreseen by FOLED and”. See, generally, for example, Griswold Figs. 4A and 4B, and 6:32-7:36. More particularly, see 6:51-54: “electroluminescent material associated with the symbols ... define the shape of the symbol items themselves”; and 7:30-37: “The entire electroluminescent capacitor structure described until now is covered with a printed cover strip 457. This cover strip should be transparent except where inked symbol images have been printed. Preferably, such images are silk screened onto cover strip 457.” The foregoing features, at least, of the electroluminescent display of Griswold would be rendered inoperable by an attempted modification of Griswold by The Tube and/or FOLED. As a result the Office Action’s proposed combination is improper. “If references taken in combination would produce a ‘seemingly inoperative device,’ ...such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness.” *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 (Fed. Cir. 2001), citing *In re Spinnoble*, 56 C.C.P.A. 823, 405 F.2d 578, 587, 160 U.S.P.Q. (BNA) 237, 244 (CCPA 1969).

Assuming, arguendo, that the references could properly be combined, they would fail to result in the invention as recited above, where as the reel is being stopped, a display is changed from displaying game play indicia to displaying indicia representative of the determined outcome.

As a result independent claims 27, 33, 37, and 72, and claims depending therefrom, are patentable over the combination of Griswold, The Tube, and FOLED

D. Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P267).

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